

Sixth Appellate District

San Jose, California

TUESDAY, FEBRUARY 19, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and LaNae Brooks, Deputy Clerk.

H031692 PEOPLE v. OLSEN

Cause called and argued by Charles R. Johnson appearing for Appellant and by James S. Cahan, Deputy District Attorney, appearing for Respondent. Cause ordered submitted.

H031647 PEOPLE v. WHALEY

Cause called and argued by Jonathan Grossman appearing for Appellant and by James S. Cahan, Deputy District Attorney, appearing for Respondent. Cause ordered submitted.

H031395 NAM VAN HUYNH on Habeas Corpus

Cause called and argued by Scott C. Mather, Deputy Attorney General, appearing for Appellant and by Keith Allen Wattley appearing for Respondent. Cause ordered submitted.

H031146 TERRY v. BREWSTER

Cause called and argued by Damian Rene Fernandez appearing for Appellant and by Sally Nixon appearing for Respondent and by Margo Laskowska appearing for Intervener Respondent. Cause ordered submitted.

H031187 SAN JOSE POLICE v. BREWSTER

Cause called and argued by Damian Rene Fernandez appearing for Appellant and by Margo Laskowska appearing for Respondents. Cause ordered submitted.

The court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Duffy, J.; and W. Magsaysay, Deputy Clerk.

H030110 MARRIAGE OF GORDON AND THERESSA SONNE

Cause called and argued by Robert A. Roth appearing for Appellant Gordon Sonne and by Bernard Wolf appearing for Appellant Theressa Sonne. Cause ordered submitted.

Court adjourns.

Sixth Appellate District

San Jose, California

Tuesday, February 19, 2008 (continued)

H031310 BELLAVIA v. CALIFORNIA MICRO DEVICES, INC., et al.

By the Court:

Upon the court's own motion, the submission order in the above entitled matter dated December 4, 2007, is hereby vacated. The matter will be placed on calendar for oral argument on Tuesday, March 11, 2008, counsel to be advised of the time.

The matter will be resubmitted upon completion of oral argument.

Dated: February 19, 2008 Bamattre-Manoukian, Acting P.J.

H031256 PEOPLE v. REYES

The judgment is reversed and the case remanded for resentencing. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed February 19, 2008

H030366 PEOPLE v. NGUYEN

Count 1, a Penal Code section 288, subdivision (b) conviction, shall be modified to reflect a conviction of the lesser included offense of violating Penal Code section 288, subdivision (a) due to the insufficiency of the evidence. The modified judgment is affirmed and the matter is remanded to the trial court for resentencing. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed February 19, 2008

H031546 REYES, et al. v. CHEVRON USA, INC.

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed February 19, 2008

H031655 PEOPLE v. GONZALEZ

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed February 19, 2008

WEDNESDAY, FEBRUARY 20, 2008

The following case is submitted this date:

H031713 In re ANALISA A.; MONTEREY COUNTY DSES v. MEGAN A.

Sixth Appellate District

San Jose, California

THURSDAY, FEBRUARY 21, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H030986 COMMITTEE FOR GREEN FOOTHILLS v. BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, et al.; THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, et al.

Cause called and argued by William Parkin appearing for Appellant and by Barbara Schussman appearing for Respondents. Cause ordered submitted.

H030607 HICKS v. KNTV TELEVISION, INC., et al.

Cause called and argued by Marissa A. Chun appearing for Appellant and by David Charles Codell appearing for Respondents. Cause ordered submitted.

The court recesses until the 1:30 p.m. calendar.

H031880 PEOPLE v. BANKERS INSURANCE COMPANY

The judgment is reversed and the cause is remanded to the trial court with directions to vacate the forfeiture and exonerate the bond. The surety shall recover costs of appeal. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed February 21, 2008

H030427 CALDARULO v. SAN JOSE POLICE OFFICERS ASSOCIATION

The judgment is reversed. The order denying Caldarulo's motion to vacate the judgment is reversed and the trial court is directed to enter a new order granting Caldarulo's motion for a new trial. The order denying Caldarulo's motion to strike or tax costs is also reversed and the court is directed to enter a new order granting the motion to strike the Association's memorandum of costs in light of the order granting a new trial. (not published)

(McAdams, Acting P.J.; I concur: Duffy, J.1; I concur in the judgment only: Bamattre-Manoukian, Acting P.J.)

Filed February 21, 2008

Sixth Appellate District

San Jose, California

Thursday, February 21, 2008 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and Jossie Michel, Deputy Clerk.

H030461 PEOPLE v. CHUN

Cause called and argued by Ozro Williams Childs appearing for Appellant and by Ann P. Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030535 Conservatorship of JOANNE D. BARTELS

Cause called and argued by Dennis Ingols appearing for Appellant and by Mary K. Simpson appearing for Respondent. Cause ordered submitted. Court adjourns.

FRIDAY, FEBRUARY 22, 2008

The following cases are submitted this date:

H032055 In re NADIA H., et al.; D.F.C.S v. JORGE T.

H031743 In re RAYNA T.; SANTA CRUZ COUNTY HRA v. MARIA R.

H031811 PEOPLE v. ALEX B.

H031130 TENDLER v. WWW.JEWISHSURVIVORS.BLOGSPOT.COM, et al.  
By the Court:

Upon the court's own motion, the submission order in the above entitled matter dated December 12, 2007, is hereby vacated. The matter will be placed on calendar for oral argument on Monday, March 17, 2008, at 9:30 a.m.

The cause will be resubmitted upon completion of oral argument.

Dated: February 22, 2008

Mihara, Acting P.J.